

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TINA CHIANG,
Plaintiff,
v.
SABRINA AFIFI,
Defendant.

Case No. 23-cv-06235-JD

**ORDER RE REPORT AND
RECOMMENDATION AND IFP
APPLICATION**

This is an unlawful detainer action filed by plaintiff Tina Chiang in Alameda County Superior Court against defendant Sabrina Afifi. Dkt. No. 1, Exh. 1. Afifi removed the case to this Court on an allegation of federal question jurisdiction and filed an application to proceed *in forma pauperis*. Dkt. Nos. 1 & 2. Chiang filed a motion to remand. Dkt. No. 5. Because Afifi did not consent to magistrate judge jurisdiction, Dkt. No. 4, the magistrate judge filed a report and recommendation advising remand to state court, Dkt. No. 7. Neither party objected to the report within the period provided in Fed. R. Civ. P. 72(b). After the time to object closed, Afifi filed a “case management statement” that included comments on the report. Dkt. No. 12.

The Court’s independent determination is that there is no basis for federal jurisdiction in what is at heart an unlawful detainer action. Afifi’s untimely comments do not demonstrate otherwise, and for the most part simply repeat her grievances against Chiang and others. Consequently, the report and recommendation is adopted, and the case is remanded to Alameda County Superior Court. The IFP application is denied as moot. The Clerk’s Office is requested to close the case. No further filings will be accepted.

IT IS SO ORDERED.

Dated: March 1, 2024


JAMES DONATO
United States District Judge